

Page 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,
v.

(2) JENNISE LOPEZ CORREA,
Defendant.

Criminal No. 09-233 (GAG)

**MOTION IN OPPOSITION TO REDUCTION OF SUPERVISED RELEASE TERM
AND REQUESTING HEARING BE HELD IN ABEYANCE**

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the undersigned attorneys, and very respectfully states and request as follows:

1. The United States opposes that defendant's supervised release term be reduced at this stage and hereby requests that the hearing scheduled for today, December 2, 2014, be held in abeyance.

2. Yesterday December 1, 2014 at 6:44pm, the defense filed a Memorandum in support of reduction of supervised release (DE 183). Such motion requests that the term of supervised release be reduced from the thirty (30) years originally imposed on October 13, 2010, to seven (7) years, a reduction of twenty-three (23) years. In such motion the defense accepts that the statutory minimum that may be imposed is five (5) years and that the defendant, at this stage, has served about four (4) years. We submit that in light of the latter, this issue is premature.

3. Moreover, on Sunday November 30, 2014 at 10:20 pm the defense filed a Notice of Expert wherein it notified its intention of bringing to the hearing two experts to testify (DE 182).

Page 2

Other than indicating in a generalized manner what their testimony would concern, no report or recent examinations were provided. Yesterday December 1, 2014 at 5:29pm, the defense notified by email the curriculum vitae of Atty. Wanda Vazquez. Once again, no report or summary was provided as to what her testimony would cover in relation to this specific case. The United States has been blind-sighted by the requests to reduce the term of supervised release by more than 75% and has not even been granted an adequate opportunity to prepare and respond.

3. The defendant in this case was charged on July 9, 2009 and plead guilty on January 22, 2010 to a serious offense involving the exploitation of minors, namely, of actively participating in the production of child pornography in violation of Title 18 U.S.C. Sect. 2251. Such offense carries a mandatory minimum penalty of 15 years up to 30 years of imprisonment. Since the defendant testified at trial against her co-defendant, the United States at sentencing recommended a reduced sentence of 7 years imprisonment. Notwithstanding, the Court sentenced this defendant Jennise Lopez Correa to time served with no additional term of imprisonment (she had only served three nights detained, that is from 7/13/2009 to 7/16/2009) and instead imposed a 30 year term of supervised release.

4. The Court, on September 2, 2014, issued an Order requesting to consider early termination of supervised release, on its own initiative, and appointed two attorneys pro-bono (DE 168).

5. Subsequently, on October 1, 2014 the probation officer Luz Enid Aponte, who is supervising the defendant, responded indicating that if this Court were to consider reducing the term of supervised release she would recommend at least 15 years (DE 165). We note that it was not the probation officer who moved this Court via motion that the term of supervised release be reduced at this stage. Moreover, the motion clarified that most classified sex offenders are not

Page 3

eligible after considering the factors set forth in 18 U.S.C. Section 3553 (a), to include the nature and circumstances of the offense and the risk to the community.

6. This defendant currently stands convicted of production of child pornography. The case involved multiple female minor victims and it was established that this defendant actively participated in the offense. Any reduction to the term of supervised release should be held in abeyance at this stage when this defendant has only served 4 years. Moreover, when the request is made for reduction at a later time, the United States should be provided with all the pertinent reports and should have an opportunity to adequately express its position to the request and prepare for any scheduled hearing.

WHEREFORE, the United States of America respectfully requests that this Honorable Court take note of the above, not reduce at this stage defendant's term of supervised release and hold in abeyance the hearing scheduled for today December 2, 2014.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2nd day of December, 2014.

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

S/ Jenifer Y. Hernandez Vega
Jenifer Y. Hernández Vega-
USDC No. 216002
Assistant U.S. Attorney
U.S. Attorney's Office
Torre Chardon, Suite 1201
Hato Rey, P.R. 00918

Page 4

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to defense counsel of record.

S/ Jenifer Y. Hernandez Vega
Jenifer Y. Hernández Vega